

## JOURNAL OF THE HOUSE.

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Thursday, June 15, 2006.

Met according to adjournment, at eleven o'clock A.M., with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God of Goodness and Truth, we turn our thoughts and attention to You, to the relevance of spiritual values and to evaluate briefly our legislative and personal priorities. We believe that Your assistance enables us to keep our principles, goals and responsibilities in focus. In the process of resolving current complex legislative, public policy and ethical issues, we depend upon Your gift of wisdom in arriving at our thoughtful decisions. As we prepare to observe and celebrate Bunker Hill Day on Saturday, our thoughts, thanks and prayers go out once again to the patriotic women and men who have made our freedoms a reality.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of  
allegiance.

### *Message from the Governor — Bill Returned with Recommendation of Amendment.*

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill granting school nurses eligibility for professional teacher status [see House, No. 1087] (for message, see House, No. 5061) was filed this day in the office of the Clerk.

School  
nurses,  
rights.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mrs. Canavan of Brockton, to the committee on Bills in the Third Reading.

### *Message from the Governor.*

A message from His Excellency the Governor submitting requests for making appropriations for the fiscal year 2006 to provide funding to promote the redevelopment of Fort Devens (House, No. 5062) was filed this day in the office of the Clerk.

Fort Devens,  
redevelopment.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

*Silent Prayer.*

State Police  
Trooper  
Paul Barry.

At the request of Mr. Vallee of Franklin (Mr. Rogers of Norwood being in the Chair), the members, guests and employees stood in a moment of silent prayer in memory of Trooper Paul Barry, a member of the Massachusetts State Police who passed away today from injuries suffered in an accident this morning. Trooper Barry was a resident of Franklin and leaves a widow and seven children.

*Statement of Representative Coakley-Rivera of Springfield.*

Statement of  
Representative  
Coakley-Rivera  
of Springfield.

A statement of Ms. Coakley-Rivera of Springfield was spread upon the records of the House, as follows:  
MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for the remainder of today's sitting due to illness. Any roll calls that I may miss today will be due entirely to the reason stated.

*Statement of Representative Fox of Boston.*

Statement of  
Representative  
Fox of  
Boston.

A statement of Ms. Fox of Boston was spread upon the records of the House, as follows:  
MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for yesterday's sitting due to attending a National Public Health forum in Atlanta, Georgia. Had I been present for the taking of yea and nay numbers 445 and 446, on amendments to the House Bill to protect the public health by banning the public distribution of free smoking or tobacco products (House, No. 3634), I would have voted, in each instance, in the negative. Had I been present for the taking of yea and nay number 447, on passing to be engrossed the House Bill establishing the state pharmacy council (House, No. 2722), I would have voted in the affirmative. Any roll calls that I missed yesterday was due entirely to the reason stated.

*Statement of Representative Smizik of Brookline.*

Statement  
concerning  
Representative  
Smizik of  
Brookline and  
Kocot of  
Northampton.

A statement of Mr. Smizik of Brookline was spread upon the records of the House, as follows:  
MR. SPEAKER: I would like to call to the attention of the House the fact that Representative Kocot of Northampton and I were not present in the House Chamber for a portion of today's sitting because we were attending a committee hearing and were not notified that a House quorum roll call was in progress.

*Statement of Representative Wolf of Cambridge.*

Statement of  
Representative  
Wolf of  
Cambridge.

A statement of Ms. Wolf of Cambridge was spread upon the records of the House, as follows:  
MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for a portion of today's sitting due to a long-standing scheduled commitment. Any roll calls that I may miss today will be due entirely to the reason stated.

*Guests of the House.*

During the session, the Chair (Mr. Petrolati of Ludlow) declared a brief recess and introduced Elizabeth Oakley, a fourth grade student at the Palmer School in Rehoboth and winner of an essay contest title "Why I Would Like to Visit the State House". Accompanied by her mother, Rebecca Smith, and the fourth grade coordinator at the school, Ms. Kathy Warish, Elizabeth then read her contest-winning essay. They were the guests of Representative Travis of Rehoboth.

Elizabeth  
Oakley.

*Resolutions.*

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Messrs. Casey of Winchester and Natale of Woburn) honoring Cosmo Ciccarello for his dedicated public service to the town of Stoneham;

Cosmo  
Ciccarello.

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Kaitlyn E. Billington on receiving the Gold Award of the Girl Scouts of America;

Kaitlyn E.  
Billington.

Resolutions (filed by Mr. Kafka of Stoughton) recognizing June 24 to be "Leonard Bernstein Day" in the town of Sharon;

Leonard  
Bernstein Day.

Resolutions (filed by Mr. Leary of Worcester) congratulating Denis O'Connell on his retirement after thirty-four years of service in the Worcester Public Schools;

Denis  
O'Connell.

Resolutions (filed by Mrs. Poirier of North Attleborough) congratulating Justin Dion on receiving the Eagle Award of the Boy Scouts of America;

Justin  
Dion.

Resolutions (filed by Mrs. Poirier of North Attleborough) congratulating Michael Mosher on receiving the Eagle Award of the Boy Scouts of America;

Michael  
Mosher.

Resolutions (filed by Messrs. Stanley of Waltham and Koutoujian of Waltham) congratulating Mr. John Patrick Higgins on the occasion of his retirement; and

John  
Patrick  
Higgins.

Resolutions (filed by Mr. Vallee of Franklin) honoring Mrs. Doreen Martel on her many accomplishments and successfully completed term as District Governor of Massachusetts Lions District 33K;

Doreen  
Martel.

Mr. Petrolati of Ludlow, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Provost of Somerville, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Papers from the Senate.*

A Bill amending the charter of the town of Walpole (Senate, No. 2581) (on Senate bill, No. 2365) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Walpole,  
charter.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2579) of Robert A. Havern, J. James Marzilli, Jr., Jay R. Kaufman and Anne M. Paulsen

Arlington,  
bonds.

(by vote of the town) for legislation relative to the issuance of certain temporary loans in anticipation of bonds by the town of Arlington; and

Arlington,  
water  
bodies.

Petition (accompanied by bill, Senate, No. 2580) of Robert A. Havern, J. James Marzilli, Jr., Jay R. Kaufman and Anne M. Paulsen (by vote of the town) for legislation to authorize the town of Arlington to establish a special account for maintenance of all of its town water bodies;

Severally to the committee on Municipalities and Regional Government.

Mr. Donato of Medford being in the Chair,—

West  
Springfield,  
economic  
target area.

A petition of Stephen J. Buoniconti for legislation to create an economic target area in the town of West Springfield, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Community Development and Small Business.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2586) was referred, in concurrence, to the committee on Community Development and Small Business.

*Reports of Committees.*

South Grafton  
Water District.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of George N. Peterson, Jr., for legislation to revise the boundary lines of the South Grafton Water District. Under suspension of the rules, on motion of Mr. Peterson of Grafton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

*Engrossed Bill.*

Bill  
enacted.

The engrossed Bill increasing the expenditure limit on revolving funds in the city of Attleboro (see Senate, No. 2495) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Orders of the Day.*

Third  
reading  
bills.

House bills  
Prohibiting the public distribution of free smoking or tobacco products for commercial purposes (House, No. 3634) (its title having been changed by the committee on Bills in the Third Reading);

Exempting the position of superintendent of streets of the town of Hull from the civil service law (House, No. 4309) (its title having been changed by the committee on Bills in the Third Reading);

Relative to elections in the city of Holyoke (House, No. 4579) (its title having been changed by the committee on Bills in the Third Reading); and

Authorizing the town of Wareham to grant five additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5003) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The Senate Bill relative to county roads (Senate, No. 2085); and House bills

Second  
reading  
bills.

Relative to group auto discounts on bank account balances under the safe driver insurance plan (House, No. 1522);

Relating to the cancellation or modification of an insurance producer's contract (House, No. 1545); and

Relative to the composition of the Massachusetts Water Resources Authority Board of Directors (House, No. 3889);

Severally were read a second time; and they were ordered to a third reading.

*Recesses.*

At twelve minutes after eleven o'clock A.M., on motion of Mr. Petrucci of Boston (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at that time the House was called to order with Mrs. Walrath of Stow in the Chair.

Recesses.

The House thereupon took a further recess, on motion of Mr. Peterson of Grafton, until half past one o'clock; and at that time the House was called to order with Mrs. Walrath in the Chair.

The House thereupon took a further recess, on motion of Mr. Kaufman of Lexington, until the hour of two o'clock; and at that time the House was called to order with Mr. Petrolati of Ludlow in the Chair.

*Quorum.*

Mr. Flynn of Bridgewater thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 144 members were recorded as being in attendance.

Quorum,  
yea and nay  
No. 448.

**[See Yea and Nay No. 448 in Supplement.]**

Therefore a quorum was present.

*Orders of the Day.*

A report (in part) of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2291) of the House Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4443) (for report, see House, No. 5056), was considered.

Supplemental  
appropriations.

Conference committee report accepted, yea and nay No. 449.

After remarks on the question on acceptance of the report, the sense of the House was taken by yeas and nays, at the request of Mr. DeLeo of Winthrop; and on the roll call 148 members voted in the affirmative and 2 in the negative.

**[See Yea and Nay No. 449 in Supplement.]**

Therefore the report of the committee of conference was accepted. Sent to the Senate for concurrence.

*Report of a Committee.*

Economic development.

Mr. Bosley of North Adams, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments (striking out all after the enacting clause and inserting in place thereof the text of contained in Senate document numbered 2264; striking out the emergency preamble and inserting in place thereof the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make forthwith supplemental appropriations for the costs for certain spending, public investment, and bonded debt of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”; and striking out the title and inserting in place thereof the following title: “An Act relative to economic investments to promote job creation, economic stability, and competitiveness in the Massachusetts economy.”) of the House Bill making appropriations for the fiscal year 2006 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for the interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4429), reported, in part, a Bill relative to economic investments in the Commonwealth to promote job creation, economic stability, and competitiveness in the Massachusetts economy (House, No. 5057), which was read.

Under suspension of the rules, on motion of Mr. Bosley of North Adams, the report (having been approved by the committees on Bills in the Third Reading of the two branches, acting jointly) was considered forthwith.

Conference committee report accepted, yea and nay No. 450.

After remarks on the question on acceptance of the report the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 151 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 450 in Supplement.]**

Therefore the report of the committee of conference was accepted. Sent to the Senate for concurrence.

*Recesses.*

Recesses.

At the hour of three o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Petrolati of Ludlow being in the Chair), the House recessed until a quarter after three o'clock; and that time the House was called to order with Mrs. Harkins of Needham in the Chair.

The Chair (Mrs. Harkins) thereupon declared a further recess until the hour of four o'clock P.M.; and at twenty-eight minutes

before five o'clock the House was called to order with Mr. Golden of Lowell in the Chair.

*Emergency Measures.*

The engrossed Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5056), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Supplemental appropriations.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 9 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. DeLeo of Winthrop; and on the roll call (Mr. Correia of Fall River being in the Chair) 145 members voted in the affirmative and 2 in the negative.

Bill passed to be enacted, yea and nay No. 451.

**[See Yea and Nay No. 451 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill relative to economic investments in the Commonwealth to promote job creation, economic stability, and competitiveness in the Massachusetts economy (see House, No. 5057), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Commonwealth, economic stability.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 13 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a “loan” bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call 148 members voted in the affirmative and 0 in the negative.

Bill enacted (state loan), yea and nay No. 452.

**[See Yea and Nay No. 452 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Orders of the Day.*

The Senate Bill relative to the loss of life due to fires caused by cigarettes (Senate, No. 2403, amended) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Cigarettes, fire prevention.

Cigarettes,  
fire  
prevention.

Pending the question on passing the bill, as amended, to be engrossed, in concurrence, Representatives DeLeo of Winthrop and Kaprielian of Watertown moved that it be amended by in section 2, in lines 17 and 18, by striking out the words “‘Commissioner’, the commissioner of the department of public safety” (as previously amended by the House) and inserting in place thereof the words “‘Secretary’, the secretary of the executive office of public safety”, in lines 60 and 61, 93 and 94, 106, 107, in paragraph (f) (inserted by amended by the Senate), in lines 133 and 134, 169, 188, 191, 192, 193 and 194, 199, 202, 213, 248, 251, the first time it appears, and in line 275, by striking out the word “commissioner” and inserting in place thereof, in each instance, the word “secretary”, in line 95 by striking out the word “commissioner” and inserting in place thereof the words “secretary, in consultation with the commissioner of the department of public health,”.

After remarks the amendments were adopted.

Mr. DeLeo then moved that the bill be amended by inserting after section 3 (as printed) the following section:

“SECTION 2A. The Executive Office of Public Safety and the Department of Public Health shall enter into an interagency service agreement for the purpose of reimbursing the department for the cost to conduct or analyze the testing of any cigarette under sections 2B through 2E of chapter 64C.”.

The amendment was adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of Ms. Kaprielian of Watertown; and on the roll call 147 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 453 in Supplement.]**

Therefore the bill (Senate, No. 2403, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments adopted by the House.

Bill passed to  
be engrossed,  
yea and nay  
No. 453.

Meningococcal  
disease.

The Senate Bill further regulating college student meningococcal disease immunization (Senate, No. 2290, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

After remarks on the question on passing the bill to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of Mr. Koutoujian of Waltham; and on the roll call 148 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 454 in Supplement.]**

Therefore the bill was passed to be engrossed, in concurrence.

Bill passed to  
be engrossed,  
yea and nay  
No. 454.

Junior  
operator's  
licenses.

The House Bill further regulating driver education and junior operator's licenses (House, No. 4826) was ordered to a third reading.

The bill then was read a third time.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

After remarks on the question on passing the bill to be engrossed, Messrs. Murphy of Lowell and Murphy of Burlington moved that it

be amended by striking out section 6; and by striking out section 11 and inserting in place thereof the following section:

“SECTION 11. Section 8B of said chapter 90, as so appearing, is hereby amended by striking out, in line 1, the word ‘sixteen’ and inserting in place thereof the following figure:— 15½.”.

After remarks the amendments were rejected.

Ms. Peisch of Wellesley and other members of the House then moved that the bill be amended in section 8, in line 7, by inserting after the word “operator” the words “or an immediate family member of the operator”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Ms. Peisch; and on the roll call 100 members voted in the affirmative and 46 in the negative.

Amendment  
adopted,  
yea and nay  
No. 455.

**[See Yea and Nay No. 455 in Supplement.]**

Therefore the amendment was adopted.

The same member then moved that the bill be amended in section 7, in line 15, by striking out the following: “provided, that a parent or guardian of an applicant under 18 years of age shall participate in not less than 4 hours of said 30 hours of classroom instruction”.

After debate the amendment was rejected.

Mr. Fallon of Malden then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 33. If a junior operator is found responsible for non-use of a seatbelt, his or her license shall automatically be suspended for fourteen (14) days in addition to any and all penalties and fees pursuant to Massachusetts General Laws Chapter 90, Section 13A.”.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 68 members voted in the affirmative and 77 in the negative.

Amendment  
rejected,  
yea and nay  
No. 456.

**[See Yea and Nay No. 456 in Supplement.]**

Therefore the amendment was rejected.

Messrs. DeLeo of Winthrop, Wagner of Chicopee and other members of the House then moved, there being no objection, that the bill be amended by striking out sections 3 to 8, inclusive and inserting in place thereof the following two sections:

“SECTION 7. Section 8 of chapter 90 of the General Laws, as most recently amended by chapter 145 of the acts of 2005, is hereby amended by striking out lines 45 to 49, inclusive, and inserting in place thereof the following:—

(c) successfully completed a driver education and training course approved by the registrar and presented, in such form as the registrar may require, a certified statement from a parent or guardian or designee over the age of 21 that in addition to the requirements of said driver education and training course the applicant has completed not less than 40 hours of supervised driving, except that a total of 30 hours of supervised driving shall be acceptable to the registrar if the applicant has successfully completed a driver skills development program in a closed off-road course, as licensed by the registrar pursuant to section 32G½. The registrar shall determine the appropriate method to enforce compliance with the supervised driving

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licenses.

requirements provided herein. Said driver education and training course shall consist of not less than 30 hours of classroom instruction; provided that a parent or guardian of an applicant under 18 years of age shall participate in not less than 2 hours of said 30 hours of classroom instruction. Said driver education and training course shall also consist of not less than 18 hours of on-road instruction conducted by a certified driver education instructor in a motor vehicle; provided, that no student shall have less than 6 hours of observing another student driver, and no student shall have less than 12 hours of operating a motor vehicle; provided, further, that no student shall have more than 1 on-road session per day and no session shall be for more than 2 hours in length.

SECTION 8. Said section 8 of said chapter 90, as so appearing, is hereby further amended by striking out the third and fourth paragraphs, in lines 55 to 81, inclusive, and inserting in place thereof the following two paragraphs:—

No person holding a junior operator's license shall operate a motor vehicle during the first 6 months of licensure while a person under 18 years of age, other than the operator, is present in such vehicle unless also accompanied by an operator, duly licensed by his state of residence, who is 21 years of age or over, who has had at least 1 year of driving experience and who is occupying a seat beside the driver and any such junior operator who violates the passenger restriction provided herein shall have his license suspended for a period of 60 days for a first offense, for a period of 180 days for a second offense and for a period of 1 year for a third or subsequent offense; provided, however, that such suspension shall be imposed in addition to any other penalty, fine, suspension, revocation or requirement that may be imposed for such violation; provided, further, that such suspension shall apply to any person who held a junior operator's license at the time the violation was committed. A junior operator whose license is suspended for a third or subsequent violation of said passenger restriction shall not be eligible for license reinstatement until he also completes a program selected by the registrar that encourages attitudinal changes in young drivers who have committed a violation of one or more motor vehicle laws and until he successfully completes a driving test as required by the registrar. The passenger restriction provided herein shall be tolled during any suspension or revocation of a person's junior operator's license. The registrar may exempt a junior operator from said passenger restriction if said junior operator is an emancipated minor. A violation of this paragraph shall be enforced by law enforcement agencies as a primary offense.

No person holding a junior operator's license shall operate a motor vehicle between the hours of 12:00 a.m. and 5:00 a.m. unless accompanied by a parent or legal guardian. The holder of a junior operator's license shall have such license in his possession at all times when operating a motor vehicle and any such operator who violates the time restriction provided herein shall be deemed to be operating a motor vehicle without being duly licensed under this chapter. In addition to the penalty provided in section 10, the license of a junior operator deemed to be operating a motor vehicle without

being duly licensed shall be suspended for a period of 60 days for a first offense, for a period of 180 for a second offense and for a period of 1 year for a third or subsequent offense. A license suspension under this paragraph shall apply to any person who held a junior operator's license at the time the violation was committed. A junior operator whose license is suspended for a third or subsequent violation of said time restriction shall not be eligible for license reinstatement until he also completes a program selected by the registrar that encourages attitudinal changes in young drivers who have committed a violation of one or more motor vehicle laws and until he successfully completes a driving test as required by the registrar. A violation of this paragraph shall be enforced by law enforcement agencies as a primary offense.”; in section 9, in line 6, by adding at the end thereof the following: “; provided, however, that the registrar shall include in a notice of suspension of a junior operator's license for a first offense violation under section 17 or section 17A, or under a special regulation under section 18 information on the penalties for a second offense violation of said sections”; by striking out sections 11, 12 and 13 and inserting in place thereof the following three sections:

“SECTION 12. Section 8B of said chapter 90, as so appearing, is hereby amended by inserting at the end of the second paragraph, at line 45, the following:— The holder of a learner's permit who violates the time restriction provided herein or who operates a motor vehicle without a duly licensed driver, who is 21 years of age or older, who has at least 1 year of driving experience and who is occupying a seat beside the driver shall be deemed to be operating a motor vehicle without being duly licensed under this chapter and any person under 18 years of age who violates this provision shall, in addition to any fine or penalty, have his learner's permit suspended for a period of 60 days for a first offense, for a period of 180 days for a second offense and for a period of 1 year for a third or subsequent offense and said person shall be required to reapply for his learner's permit before he may be issued a license to operate a motor vehicle pursuant to section 8.

SECTION 13. Said section 8B of said chapter 90, as so appearing, is hereby further amended by inserting after the second paragraph, at line 45, the following paragraph:—

For a violation under this chapter by a person holding a learner's permit who is under 18 years of age which is punishable by suspension of said learner's permit, the registrar shall send notice of such suspension to the person's parent or guardian.

SECTION 13A. Section 17B of said chapter 90, as so appearing, is hereby amended by adding the following two paragraphs:—

Notwithstanding the penalties provided in the first paragraph of this section a holder of a junior operator's license who commits a violation under this section shall be punished by a fine of not less than \$250 for a first offense and the registrar shall suspend such junior operator's license for a period of 1 year and a subsequent violation shall be punished by a fine of not less than \$500 and the registrar shall suspend such junior operator's license for a period of 3 years. A junior operator who commits a violation under this

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section shall also be required to complete the State Courts Against Road Rage program, so-called, sponsored by the state courts and the department of the state police. A license suspension under this paragraph shall apply to any person who held a junior operator's license at the time the violation was committed.

The registrar shall impose a \$500 reinstatement fee upon a junior operator who seeks to have his license reinstated following suspension for a first offense under this section and a \$1,000 reinstatement fee shall be imposed upon a junior operator who seeks to have his license reinstated following suspension for a subsequent violation under this section. A junior operator whose license is suspended under this section shall not be eligible for license reinstatement until he also completes a program selected by the registrar that encourages attitudinal changes in young drivers who have committed a violation of one or more motor vehicle laws and until he successfully completes a driving test as required by the registrar.”; by striking out sections 15 to 18, inclusive and inserting in place thereof the following four sections:

“SECTION 15. Said section 20 of said chapter 90, as so appearing, is hereby further amended by inserting after the word ‘registrar’; in line 79, the following:— provided, however, that a holder of a learner’s permit who is convicted of a violation under section 17 or section 17A, or under a special regulation under section 18 shall, in addition to any other penalty, fine, suspension, revocation or requirement that may be imposed for such violation, have such learner’s permit suspended for a period of 90 days for a first offense and for a period of 1 year for a subsequent offense and said person shall be required to reapply for his learner’s permit before he may be issued a license to operate a motor vehicle pursuant to section 8; provided, further, that a holder of a learner’s permit who is convicted of a violation under section 17B shall, in addition to any other penalty, fine, suspension, revocation or requirement that may be imposed for such violation, have such learner’s permit suspended for a period of 1 year and said person shall be required to reapply for his learner’s permit before he may be issued a license to operate a motor vehicle pursuant to section 8.

SECTION 15A. Said section 20 of said chapter 90, as so appearing, is hereby further amended by striking out, in line 81, the words:— or 17B.

SECTION 16. Said section 20 of said chapter 90, as so appearing, is hereby further amended by striking out, in lines 84 and 85, the words ‘180 for a second offense and for a period of one year for a third or subsequent offense’ and inserting in place thereof the following:— 90 days for a first offense and for a period of 1 year for a subsequent offense and such junior operator shall also be required to complete the State Courts Against Road Rage program, so-called, sponsored by the state courts and the department of the state police. A license suspension under this paragraph shall apply to any person who held a junior operator’s license at the time the violation was committed. The registrar shall impose a \$500 reinstatement fee upon a junior operator who seeks to have his license reinstated following a suspension under this paragraph. A junior operator whose license

is suspended pursuant to this paragraph shall not be eligible for license reinstatement until he also completes a program selected by the registrar that encourages attitudinal changes in young drivers who have committed a violation of one or more motor vehicle laws and until he successfully completes a driving test as required by the registrar.

SECTION 16A. Section 24 of chapter 90 of the General Laws, as most recently amended by chapter 122 of the acts of 2005, is hereby amended by inserting after the word ‘years’, in line 860, the following:— ; provided, however, that notwithstanding the forgoing a person holding a junior operator’s license who is convicted of operating a motor vehicle recklessly, or operating negligently, under paragraph (a) of subdivision (2) of this section shall not be eligible for license reinstatement until 180 days after the date of his original conviction if for a first offense or 1 year after the date of revocation following any subsequent conviction within a period of 3 years.”; in section 29, in line 69, by striking out the following: “20 hours of the required 50” and inserting in place thereof the following: “10 hours of the required 40”; by inserting after section 30 the following section:

“SECTION 30A. There is hereby established a special commission on the identification of vehicles operated by young drivers which shall study the potential benefits and drawbacks of a decal program to be operated by the registry and which is intended to identify vehicles driven by holders of learner’s permits and junior operator licenses.

The commission shall have 13 members, including the following: the registrar of motor vehicles or his designee, who shall serve as chairperson of the commission; the secretary of public safety or his designee; the secretary of transportation or his designee; the secretary of administration and finance or his designee; 3 members of the house of representatives, 2 of whom shall be appointed by the speaker of the house and one of whom shall be appointed by the house minority leader; 3 members of the senate, 2 of whom shall be appointed by the president of the senate and 1 of whom shall be appointed by the senate minority leader; and 3 members to be appointed by the governor, 1 of whom shall represent AAA southern New England, 1 of whom shall be a representative of a municipal police department, and 1 of whom shall be an expert in the matter of the safety of young women.

The commission shall convene on or before December 31, 2006 and shall file its report no later than July 1, 2007 with the office of the governor, the clerk of the house of representatives and the clerk of the senate. The report shall be limited to the commission’s findings on potential cost and the impact on public safety of a decal identification program; provided, that if the commission finds that the program may be feasible it shall include recommendations regarding the transferability of the decal.”; by striking out section 31 and inserting in place thereof the following section:

“SECTION 31. The provisions of section 3 of this act shall apply to persons who apply for a junior operator’s license under the provisions of section 8 of chapter 90 of the General Laws on or after

Junior  
operator s  
licenses.

March 31, 2007. The provisions of sections 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of this act shall apply to violations committed on or after March 31, 2007. All other provisions shall take effect upon the effective date of this act.”.

The amendments were adopted.

Bill passed to  
be engrossed,  
yea and nay  
No. 457.

After debate on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Wagner of Chicopee; and on the roll call 141 members voted in the affirmative and 5 in the negative.

**[See Yea and Nay No. 457 in Supplement.]**

Therefore the bill (House, No. 4826, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Mr. Rogers of Norwood being in the Chair,—

Quorum.

Mrs. Harkins of Needham thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Rogers), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,  
yea and nay  
No. 458.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 140 members were recorded as being in attendance.

**[See Yea and Nay No. 458 in Supplement.]**

Therefore a quorum was present.

J. Michael  
Ruane,  
retirement.

The House Bill relative to a certain retired employee of the Commonwealth (House, No. 4464), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Suspension  
of Rule 1A.

After remarks on the question on passing the bill to be engrossed, the Chair (Mr. Rogers of Norwood) interrupted the pending business and placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o'clock P.M.

Rule 1A  
suspended,  
yea and nay  
No. 459.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 111 members voted in the affirmative and 30 in the negative.

**[See Yea and Nay No. 459 in Supplement.]**

Therefore Rule 1A was suspended.

Mr. Scaccia of Boston then moved that the bill be amended by substitution of a bill with the same title (House, No. 5063), which was read.

Amendment  
adopted,  
yea and nay  
No. 460.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Ms. Atkins of Concord; and on the roll call 101 members voted in the affirmative and 39 in the negative.

**[See Yea and Nay No. 460 in Supplement.]**

Therefore the amendment was adopted.

The substituted bill then was passed to be engrossed. Mr. Scaccia moved that this vote be reconsidered and the motion to reconsider was considered forthwith; and it was negatived. The bill (House, No. 5063) then was sent to the Senate for concurrence.

*Paper from the Senate.*

The engrossed Bill relative to certain motor vehicle violations (see Senate, No. 2132, amended) came from the Senate with an amendment inserting after section 3 the following two sections:

Campus  
vehicle  
citations.

“SECTION 3A. Section 2 of said chapter 90C, as so appearing, is hereby amended by inserting after the first paragraph the following 2 paragraphs:—

Each police chief appointed by the trustees of the commonwealth’s state and community colleges under section 22 of chapter 15A shall certify to the registrar, on or before January first of each year, that:

(a) the police officers appointed by the trustees at the state or community college have been issued a current first aid/CPR certificate;

(b) (i) (A) 51% of such police officers have completed either the basic full-time recruit academy operated or certified by the municipal police training committee or the campus police academy operated by the Massachusetts state police, or

(B) 51% of the police officers have completed a basic reserve/intermittent police officer training course approved by the municipal police training committee and have at least 5 years experience issuing citations pursuant to chapter 90C, and

(ii) that the remaining 49% of police officers have completed a minimum of a basic reserve/intermittent police officer training course approved by the municipal police training committee.

(c) such officers have completed annual in-service training of no less than 40 hours;

(d) such officers meet the same firearms qualification standards as set from time to time by the municipal police training committee if such officers have been authorized by the board of trustees of the state or community college to carry firearms;

(e) the state or community college police department submits uniform crime reports to the FBI;

(f) a memorandum of understanding has been entered into with the police chief of the municipality wherein the state or community college is located outlining the policies and procedures for utilizing the municipality’s booking and lock-up facilities, fingerprinting and breathalyzer equipment if the state or community college police department does not provide booking and lock-up facilities, fingerprinting or breathalyzer equipment; and

(g) the state or community college police department has policies and procedures in place for use of force, pursuit, arrest, search and seizure, racial profiling and motor vehicle law enforcement.

Notwithstanding the previous paragraph, nothing in this section shall limit the authority granted to the police chiefs and police officers at the state and community colleges under said section 22 of said chapter 15A or section 18 of chapter 73.

SECTION 3B. Said chapter 90C, as so appearing, is hereby further amended by inserting after section 2 the following section:—

Section 2A. The authority for police officers appointed by the trustees of the commonwealth’s state and community colleges under section 22 of chapter 15A to issue citations under this chapter shall be limited to the issuance of citations for violations occurring on the



Campus  
vehicle  
citations.

pr  
operty of state and community colleges. Separate record-keeping and data collection, including, but not limited to, racial or gender profiling data collection and analysis required under chapter 228 of the acts of 2000, shall be performed by such campus police departments, separate from those conducted by any municipal police department or the state police.”.

Under suspension of Rule 35, on motion of Mr. Murphy of Lowell, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

On motion of Mr. DiMasi of Boston,—

Next  
sitting.

*Ordered*, That when the House adjourns today, it adjourn to meet on Monday next at eleven o’clock A.M.

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Mr. Vallee of Franklin then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at eighteen minutes before eleven o’clock P.M. (Mr. Rogers of Norwood being in the Chair), the House adjourned, to meet on Monday at eleven o’clock A.M., in an Informal Session.